

Article - Health - General

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§13-7A-07.

(a) (1) Except as provided in paragraph (2) of this subsection, a cause of action may not arise against a certificate holder for any act or omission if the certificate holder or agent is acting in good faith while administering auto-injectable epinephrine to an individual who is experiencing or believed by the certificate holder or agent to be experiencing anaphylaxis except where the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(2) The provisions of paragraph (1) of this subsection do not apply if a certificate holder or an eligible institution that makes available, or a certificate holder who administers, auto-injectable epinephrine to an individual who is experiencing or is believed by the certificate holder or authorized entity to be experiencing anaphylaxis:

(i) Fails to follow standards and procedures for storage and administration of auto-injectable epinephrine; or

(ii) Administers auto-injectable epinephrine that is beyond the manufacturer's expiration date.

(b) (1) A cause of action may not arise against any physician for any act or omission if the physician in good faith prescribes or dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or an eligible institution under this subtitle.

(2) A cause of action may not arise against any pharmacist for any act or omission if the pharmacist in good faith dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or an eligible institution under this subtitle.

(c) This section does not affect and may not be construed as affecting any immunities from civil liability or defenses established by any other provision of law or by common law to which a physician or pharmacist may be entitled.

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